

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SOTELO,

Plaintiff,

v.

REO CAPITAL INVESTMENT AND  
ASSET MANAGEMENT, INC.,

Defendant.

Case No. 12-cv-04604 NC

**ORDER TO SHOW CAUSE WHY  
CASES SHOULD NOT BE  
CONSOLIDATED**

Re: 12-cv-04604 NC, Dkt. No. 1 and  
12-cv-04665 NC, Dkt. No. 1

Federal Rule of Civil Procedure 42 allows a court to consolidate actions before it that involve a common question of law or fact. This action, *Sotelo v. REO Capital Investment and Asset Management, Inc.*, 12-cv-04604 NC, was filed on August 31, 2012. A second action, *REO Capital Investment and Asset Management, Inc. v. Sotelo*, 12-cv-04665 NC, was removed to this Court from state court on September 6, 2012. On September 7, 2012, this Court ordered Julia Mary Sotelo, plaintiff in case number 12-cv-04604 NC, to show cause by October 5, 2012 why case number 12-cv-04604 NC should not be dismissed for improper venue. 12-cv-04604 NC, Dkt. No. 4. On September 12, 2012, REO, plaintiff in case number 12-cv-04665 NC, moved to remand case number 12-cv-04665 NC to state court. 12-cv-04665 NC, Dkt. No. 4.

1 Both of these cases are assigned to me. Both cases arise from the sale of real  
2 property in Tracy, California and involve the adequacy of the notice to quit given to the  
3 occupants of the property and the legality of the occupants' continued possession. These  
4 actions involve a common question of law or fact. Furthermore, both cases present  
5 jurisdictional issues, which are causing duplicative motions and orders. Accordingly, the  
6 parties must show cause by October 5, 2012 why these two cases, 12-cv-04604 NC and 12-  
7 cv-04665 NC, should not be consolidated.

8 In addition, this Court may not conduct proceedings or enter judgment in a case  
9 without consent of the parties. 28 U.S.C. 636(c). Local Rule 73-1(a)(2) requires parties to  
10 consent or decline within seven days after filing a motion. Therefore, the parties must  
11 either file written consent to the jurisdiction of a magistrate judge or request reassignment  
12 to a district judge.

13 IT IS SO ORDERED.

14 Date: September 19, 2012

  
Nathanael M. Cousins  
United States Magistrate Judge